

## **REMARKS**

The February 22, 2010 Office Action identifies the following issues:

- Claims 1, 4-6, 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,260,085 issued to Jefferson in view of U.S. Patent No. 5,215,234 issued to Pasley.
- Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferson and Pasley, and further in view of U.S. Patent No. 6,666,362 issued to LeTrudet.
- Claims 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferson and Pasley, and further in view of U.S. Patent No. 6,467,779 issued to Mills.
- Claims 28 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferson in view of U.S. Patent No. 5,724,225 issued to Hrusoff et al. ("Hrusoff").
- Claims 14, 16, 19 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent No. 10-211851 issued to Hayama in view of U.S. Patent No. 6,006,973 issued to Belinky.
- Claims 13, 21 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The following remarks address each of these issues and places the present application in condition for allowance.

### **Claims 1, 4-6, 8 and 9 Are Patentable Over Jefferson In View Of Pasley**

Claim 1 includes the limitation of "at least one latch or lock including a moveable catch member attached to an exterior surface of said side wall of said cargo container to engage with said shoulder member to secure the container to the platform side wall." Neither Jefferson nor Pasley teach or suggest this feature.

The office action at page 3 concedes that Jefferson does not disclose this feature, but alleges that Pasley cures this deficiency. Pasley teaches a utility rack having a pair of mating clasps, each configured to engage a hook on a container resting on the rack. Pasley, however,

does not teach a catch member attached to an exterior surface of a cargo container, as recited in claim 1. Moreover, Pasley does not teach that the clasps or hooks are moveable, as required by the catch of claim 1.

Claim 4 requires “at least one projection extending horizontally outwardly from the container bottom periphery.” Jefferson and Pasley do not teach this features. Rather, Jefferson teaches “downward depending bolts” at the corners of a container. Therefore, the bolts are not “extending horizontally outwardly” as required by claim 4. Moreover, Pasley does not teach any projection extending from a container and therefore does not cure this deficiency.

Claim 5 requires a slot that is “aligned with and adapted to matingly engage the cargo container projection ... wherein said slot limits vertical movement between said cargo container and said platform.” Jefferson does not teach this limitation but rather merely teaches bolt holes arranged to receive the bolts. Moreover, the device of Jefferson requires wing nuts, bolts and bolt holes to attach and remove the cargo container from the platform. Conversely, the cargo carrier assembly of the present application is removable without the use of any extraneous fasteners or tools, whereby the cargo carrier of the present application may be retained solely by the projection being maintained within the recess in the platform. The periphery of the slot of the present application limits vertical movement, while Jefferson requires a wing nut to limit the movement. If the wing nut of Jefferson is removed, then the vertical movement cannot be limited. Further, Pasley does not teach a slot in a platform and therefore does not cure this deficiency

Therefore, the combination of Jefferson and Pasley cannot render claim 1 obvious, and Applicants respectfully submit that claim 1 is clearly distinguishable and patentable over

Jefferson in view of Pasley. Likewise, dependent claims 2, 4-6, 8, 9 and 12 are patentable over Jefferson in view of Pasley.

**Claims 14, 16, 19, 21, 22, 26, 27 and 31 Are Patentable  
Over Hayama In View Of Belinky**

Claim 14 includes the limitations of “at least one projection extending horizontally outwardly from said container bottom periphery,” “at least one slot at least partially in said platform side wall where said slot includes a closed periphery,” and “said projection is enclosed within said platform side wall when the platform is nestingly supporting the cargo container whereby the slot and projection limit vertical movement between said cargo container and said platform.” Neither Hayama nor Belinky disclose these features as recited in claim 14. Rather, Hayama teaches a container having a pair of wheels extending from the bottom of the container. The wheels do not extend horizontally outward from the container, as shown in Figure 2. Moreover, Hayama does not teach a slot that includes a closed periphery but rather merely teaches a two dimensional opening in the attaching backplate. Belinky does not cure these deficiencies.

Therefore, claim 14 is clearly distinguishable and patentable over Hayama in view of Belinky. Likewise, dependent claims 16, 19, 21, 22, 26, 27 and 31 are patentable over Hayama in view of Belinky.

**Claim 28 Is Patentable Over Jefferson In View Of Hrusoff**

Claim 28 has been amended to include the limitation of now canceled claims 29 and 30. As claim 30 was previously indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, claim 28 is now believed to be in condition for allowance. Therefore, claim 28 is clearly distinguishable and patentable over Jefferson in view of Hrusoff.

### **Claims 13 and 32 Are Patentable Over the Cited References**

Claim 13 has been amended into independent form and to include the limitations of claims 1 and 12. As claim 13 was previously indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, claim 13 is now believed to be in condition for allowance and is distinguishable and patentable over the cited references.

New claim 32 includes the subject matter and limitations of claims 14, 21 and 31. As claim 21 was previously indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, claim 32 is believed to be in condition for allowance and is distinguishable and patentable over the cited references.

### **CONCLUSION**

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification or a formal interview.

Respectfully submitted,

Date: May 24, 2010

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